

Remarks

Status of the Application

Claims 105, 106, 109 and 110 have been cancelled. Claims 100, 103, 104, 107, 108, 112, 115 and 117 have been amended. New claims 119-133 have been added. Claims 100-104, 107, 108 and 111-133 are pending in the application. Claims 100, 103, 104, 119, 124 and 129 are independent claims.

Pursuant to the Office Action mailed 11/17/03, then active claims 28-51, 74-77, 84-87, 92, 100-102, 105, 106, 109, 111, 113, 115 and 116 were rejected under 35 U.S.C. § 101 as not within the technological arts. This rejection as to the currently active claims is submitted to be overcome by this Amendment.

Claims 28-118 were rejected under 35 U.S.C. 102(e) as anticipated by Minton (U.S. PG Pub No. 2002/0091611). This rejection as to the currently active claims is respectfully traversed for the reasons set out below.

35 U.S.C. § 101 Rejection

Claim 100 has been amended to recite the receiving and comparing steps as done on a computerized system. The remaining claims similarly rejected either depend from amended claim 100 or have been cancelled. Applicant submits that this amendment overcomes the rejection under 35 U.S.C. § 101.

35 U.S.C. § 102 Rejection

In rejecting the active claims as anticipated by Minton, the Examiner states that Minton teaches a method for facilitating the bartering of publicly traded securities on a computerized system comprising transmitting a list including multiple barter orders, each of the barter orders transmit a list including multiple barter orders, each of the barter orders including a first security including a quantity thereof to be sold in a barter, a second security including a quantity thereof to be purchased in the barter, a time within which the barter may occur, and a condition relating to the value of the barter order which condition the barter may be executed; and receiving one or more barter order

selecting from the list of multiple barter orders to execute. The Examiner further states that Minton teaches comparing the first barter order to a list including multiple barter orders.

Applicants respectfully traverse the Examiner's application of Minton, noting that Minton fundamentally is a private system for buying or selling single securities. More particularly, Minton does not show or suggest barter orders of the type taught and claimed by Applicant. See, for example, paragraph [0057] wherein Minton states "In summary, individual securities trading network 300 allows users 302-310 to transmit to server 316 offers to buy and sell various securities. Server 316 receives these offers and transmits them to other users who are interested in the same security." [emphasis added.] Similar description is found throughout Minton. Hence Minton does not show or suggest barter orders or barterers of the type described and claimed by Applicant.

Applicants would like to take this opportunity to discuss Nieboer et al. (US 6,418,419 B1), of record but not applied in this Office Action. Nieboer et al. teaches the transaction of conditional buy and sell orders for items of commerce (see, for example, col. 2, lines 2-4).

In contrast to Nieboer et al. and the teachings in Minton, Applicant's active, independent claims recite 'multi-order' barter transactions, wherein at least three barter orders are traded in substantially the same transaction to satisfy the buy/sell requirements of some or all of the multiple barterers. See Applicant's Figure 3 and the corresponding description at pages 16-18.

Considering Applicants' amended claim 100 as exemplary, that claim recites: "determining from said list a plurality of selected barter orders which, if executed, will consummate said first barter order and one or more of said list of plurality of selected barter orders." This multi-order transaction thus includes the execution of at least three barter orders, the first barter order and the plurality of barter orders selected from the list. Each of the remaining independent claims includes similar limitations.

Applicant's claimed invention provides the significant advantage of enabling more than 2 barter orders to be fulfilled in substantially the same transaction, greatly increasing the flexibility of Applicant's barter order system and the ability to fulfill individual barter orders.

Applicant's claimed invention thus provides a significant operational advantage that is nowhere shown or suggested in the art of record. For these reasons, entry of this amendment and a timely allowance of the active claims is respectfully requested.

CONCLUSION

It is now believed that all pending claims are in condition for allowance.

In view of these remarks, an early and favorable reconsideration is respectfully requested.

If the Commissioner determines that an additional fee is due, Applicant authorizes the Commissioner to charge any required fee, or credit any overage, to deposit account 13-4500, Order No. 4159-4003US1. A duplicate of this sheet is included.

Respectfully submitted,

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